

suggested that the Congress, by concurrent resolution, invite the President to address the two Houses in joint session “for the purpose of receiving any communication he might be pleased to make.” The President refused the invitation. See also the proceedings of Nov. 13, 1969, where President Richard M. Nixon addressed the House, but not on pending legislation.<sup>(3)</sup>

### § 3. Referral

Rule XIV clause 2 provides that Presidential messages are to be referred to the appropriate committees without debate.<sup>(1)</sup> Accordingly, the referral of a Presidential message to the committee having jurisdiction is usually made by order of the Speaker without debate and without motion from the floor. However, a Presidential message may be referred by the House itself on motion.<sup>(2)</sup> A motion by a Member to make such a referral is privileged.

3. 115 CONG. REC. 34080, 34081, 91st Cong. 1st Sess. President Nixon’s visit was for the stated purpose of thanking Members who had sponsored a resolution calling for a just peace in Vietnam.

1. See *House Rules and Manual* § 873 (2007).

2. 8 Cannon’s Precedents § 3348.

Such a referral may be to a select committee as well as to a standing committee.<sup>(3)</sup>

A Presidential message may be divided for referral to more than one committee.<sup>(4)</sup>

Under Rule XII clause 8, estimates of appropriations and other communications from executive departments are referred by the Speaker as provided in Rule XIV clause 2.

### *Timing of Referral*

**§ 3.1 Although the Chair lays before the House a message from the President on the day received, the House on occasion, by unanimous consent, has directed that the referral of the message be postponed until a later day.**

On Feb. 3, 1986,<sup>(1)</sup> the referral of a comprehensive message submitted by the President under the provisions of a budget law was postponed until the next day by unanimous consent so that the

3. *House Rules and Manual* § 875 (2007).

4. 8 Cannon’s Precedents §§ 3348, 3349.

1. 132 CONG. REC. 1347, 99th Cong. 2d Sess. For the principle that the Chair lays a message before the House on the day received, see § 1.1, *supra*.

Speaker could ascertain the proper committees of jurisdiction.

REPORT ON ISSUANCE OF ORDER ON EMERGENCY DEFICIT CONTROL MEASURES FOR FISCAL YEAR 1986—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read.

(For message, see proceedings of the Senate of today, Monday, February 3, 1986.)

The SPEAKER pro tempore (Mr. MAZZOLI).<sup>(2)</sup> Without objection, the Chair's referral of the President's message will be postponed until tomorrow.

There was no objection.

### *Referral to Committee of the Whole*

#### **§ 3.2 The President's annual state of the Union message is referred to the Committee of the Whole House on the state of the Union.**

On Feb. 4, 1997,<sup>(1)</sup> Rep. James E. Rogan, of California, offered the customary motion that the message of the President be referred to the Committee of the

2. Romano L. Mazzoli (Ky.).

1. 143 CONG. REC. 1410, 105th Cong. 1st Sess. See also, *e.g.*, 107 CONG. REC. 1427–31, 87th Cong. 1st Sess., Jan. 30, 1961.

Whole House on the state of the Union:

Mr. ROGAN. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

#### **§ 3.3 Where the President chooses to submit a state of the Union address in writing, rather than delivering it in person, the message is laid before the House, read, and referred to the Committee of the Whole House on the state of the Union.**

President Richard M. Nixon, having given his Inaugural Address on Jan. 20, 1973, decided not to make another major address so soon thereafter.

President Nixon's state of the Union message of Feb. 5, 1973,<sup>(1)</sup> the first such message delivered in writing in many years, was treated as follows:

The SPEAKER<sup>(2)</sup> laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union[.] . . .

#### **§ 3.4 The President's message on the Nation's economy, delivered in person, was, by**

1. 119 CONG. REC. 3206, 93d Cong. 1st Sess.

2. Carl Albert (Okla.).

**unanimous consent, referred to the Committee of the Whole House on the state of the Union and ordered printed.**

On Sept. 9, 1971,<sup>(1)</sup> when the Members of Congress and invited guests were seated, and President Richard M. Nixon had been escorted to the Clerk's desk, the Speaker presented the President.

The PRESIDENT. Mr. Speaker, Mr. President, my colleagues in the Congress, our distinguished guests: I come before this special joint session to ask the cooperation of the Congress in achieving a great goal: a new prosperity without war and without inflation.

Following a brief recess, Rep. Hale Boggs, of Louisiana, asked unanimous consent that the message of the President be referred:

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The SPEAKER.<sup>(2)</sup> Is there objection to the request of the gentleman from Louisiana?

There was no objection.

### **§ 3.5 In the 74th Congress, a message of the President re-**

1. 117 CONG. REC. 31125–29, 92d Cong. 1st Sess.
2. Carl Albert (Okla.).

**lating to a number of matters was referred to the Committee of the Whole House on the state of the Union although the recommendations contained in the message fell within the jurisdiction of several committees.**

On Jan. 31, 1935,<sup>(1)</sup> Speaker Joseph W. Byrns, of Tennessee, laid before the House the following message from the President of the United States:

*To the Congress of the United States:*

I am submitting herewith the report of the Federal Aviation Commission appointed by me last summer by direction of the Seventy-third Congress. The Commission has made a diligent study of the broad subject of aviation conditions here and elsewhere and emphasizes the excellent American progress in this new form of transportation. The Commission has also studied problems of national defense, of procurement policies, and of the extension of air-transport services. I invite your attention to these comprehensive surveys. . . .

The Commission further recommends the creation of a temporary

1. 79 CONG. REC. 1327, 1328, 74th Cong. 1st Sess. For similar referrals, see 114 CONG. REC. 3955–61, 90th Cong. 2d Sess., Feb. 26, 1968 (H. Doc. No. 261, message concerning the crisis in American cities); 148 CONG. REC. 10575–77, 107th Cong. 2d Sess., June 18, 2002 (H. Doc. No. 107–227, legislative proposal to create a Department of Homeland Security).

air commerce commission. In this recommendation I am unable to concur. I believe that we should avoid the multiplication of separate regulatory agencies in the field of transportation. Therefore, in the interim before a permanent consolidated agency is created or designated over transportation as a whole, a division of the Interstate Commerce Commission can well serve the needs of air transportation. In the granting of powers and duties by the Congress, orderly government calls for the administration of executive functions by those administrative departments or agencies which have functioned satisfactorily in the past, and, on the other hand, calls for the vesting of judicial functions in agencies already accustomed to such powers. It is this principle that should be followed in all of the various aspects of transportation legislation.

FRANKLIN D. ROOSEVELT.  
THE WHITE HOUSE, *January 31, 1935.*

Before the Speaker's referral of the message, the following occurred:

Mr. [Schuyler Otis] BLAND [of Virginia]. Mr. Speaker, before the message is referred, I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLAND. The message relates to aviation matters that come within the jurisdiction of the Committee on Merchant Marine, Radio, and Fisheries. It also relates to matters that come before the Interstate Commerce Commission. It seems to me that it is highly objectionable that a message of this kind should be referred to one committee.

The SPEAKER. The Chair has the idea of referring the message to the Committee of the Whole House on the state of the Union, and later when the bills are introduced they will be referred to the proper committees. The message, with the accompanying papers, will be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.<sup>(2)</sup>

### ***Message Divided for Referral***

#### **§ 3.6 A message from the President has been divided for referral, on motion by a Member, between the Committee of the Whole and the Committee on Appropriations.**

On Jan. 21, 1946,<sup>(1)</sup> at the conclusion of the reading by the Clerk of the President's annual message, it was moved that the message and its accompanying report be referred to the Committee of the Whole House on the state of the Union and that the portion of the President's message dealing with the budget be referred to the Committee on Appropriations.

The proceedings were as follows:

Mr. [J. Percy] PRIEST [of Tennessee]. Mr. Speaker, I move that the

2. Before the 94th Congress, the Speaker could not divide a measure for referral. See *House Rules and Manual* §816 (2007).
1. 92 CONG. REC. 165, 79th Cong. 2d Sess.

President's message and the accompanying report from the Director of War Mobilization and Reconversion be referred to the Committee of the Whole House on the State of the Union and ordered to be printed, and so much of the President's message as relates to the budget be referred to the Committee on Appropriations and ordered to be printed.

The SPEAKER pro tempore.<sup>(2)</sup> The question is on the motion offered by the gentleman from Tennessee.

The motion was agreed to.

**§ 3.7 An executive communication from the President transmitting a comprehensive legislative proposal for energy policy reform was divided by titles for initial referral, and the Speaker referred the various portions to four House committees.**

A communication from the President proposing comprehensive energy legislation was laid before the House by Speaker pro tempore John J. McFall, of California, on Jan. 31, 1975.<sup>(1)</sup> The communication was referred on Feb. 4,<sup>(2)</sup> when the Speaker exercised his authority under (current) Rule XII clause 2 to divide the communication among several committees. Dividing a Presi-

dential or other communication for referral is unusual, but is permitted under the Speaker's referral authority.

The communication was laid before the House on Jan. 31, 1975, as follows:

The SPEAKER pro tempore laid before the House the following communication from the President of the United States; which was read, the summary, without objection, ordered to be printed in the Record:

THE WHITE HOUSE,  
*Washington, January 30, 1975.*

The Honorable the SPEAKER,  
*U.S. House of Representatives,*  
*Washington, D.C. 20515*

DEAR MR. SPEAKER: In my state of the Union address earlier this month, I outlined the dimensions of our inter-related economic and energy problems and proposed comprehensive and far-reaching measures for their solution.

The measures I described included both Executive and Congressional actions. Because further delay is intolerable, I have already taken administrative action to deal with our energy problems, including issuance of a proclamation to impose increased fees on imported oil. The Secretary of the Treasury has already presented my detailed energy tax proposals to the House Ways and Means Committee.

I am enclosing a proposed omnibus energy bill—the Energy Independence Act of 1975—which, along with the tax proposals already presented, will provide the combined authorities that are necessary if we are to deal seriously

2. John W. McCormack (Mass.).

1. 121 CONG. REC. 1975, 1976, 94th Cong. 1st Sess.

2. *Id.* at p. 2253.

and effectively with the Nation's pressing energy problems. . . .

The 13 titles of this bill, coupled with appropriate tax measures, are essential to the eventual attainment of our common goal of energy independence. Prompt action on all these measures is essential. . . .

Sincerely,

GERALD R. FORD.

The communication was referred on Feb. 4, 1975, as follows:

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

234. A letter from the President of the United States, transmitting a draft of proposed legislation to increase domestic energy supplies and availability by: authorizing production of the naval petroleum reserves; establishing a National Strategic Petroleum Reserve; assuring increased supplies of natural gas at reasonable prices; amending and extending the Energy Supply and Environmental Coordination Act of 1974; amending the Clean Air Act; alter regulatory practices and procedures of governing electric utilities assuring timely siting consideration, approval and construction of necessary energy facilities; and preventing foreign oil producing countries from undermining efforts to develop petroleum resources; to restrain energy demand by: providing national energy conservation standards for new residential and commercial buildings; authorizing the Federal Energy Administration to assist States in winterizing dwellings of low-income persons; and providing for the labeling of major appliances and motor vehi-

cles; to prepare for energy emergencies by: providing standby energy authorities and implementing the International Energy Program; and for other purposes (H. Doc. No. 94-42); divided and initially referred as follows: title I to the Committee on Armed Services; titles II, III, IV, V, VI, VII, VIII, XII, and XIII to the Committee on Interstate and Foreign Commerce; title IX to the Committee on Ways and Means; and titles X and XI to the Committee on Banking, Currency and Housing, and ordered to be printed.

In recent years the Speaker has referred communications from the President transmitting proposed legislation jointly to all committees having jurisdiction over the legislation. The following excerpt from the *Congressional Record* of July 10, 1989,<sup>(3)</sup> indicates one such referral:

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows: . . .

1425. A communication from the President of the United States, transmitting a draft of proposed legislation to amend the Government-Wide Ethics Act of 1989 to prohibit the acceptance of honoraria by Members of Congress (H. Doc. No. 101-80); jointly to the Committees on House Administration, the Judiciary, and Post Office and Civil Service and ordered to be printed.

### § 3.8 A comprehensive sequestration order under a budget

3. 135 CONG. REC. 14015, 14016, 101st Cong. 1st Sess.

law was referred to “all standing committees” and the Permanent Select Committee on Intelligence, and the House gave the Speaker a special authority to refer myriad executive communications related to the message and to print all as part of a document in any form he might prescribe.

On Feb. 4, 1986,<sup>(1)</sup> the President submitted a “sequestration order” under the Balanced Budget and Emergency Deficit Control Act of 1985.<sup>(2)</sup>

The President’s message was relatively brief, but the accompanying and incorporated documentation, emanating from all government agencies affected by the order, was voluminous. Some elements of that documentation had not been received on the date of the message.

The House, by unanimous consent, authorized the Speaker to incorporate all the documents in one publication.

1. 132 CONG. REC. 1463, 99th Cong. 2d Sess.
2. This part of the Act was later declared unconstitutional and the order was voided. Generally, see Ch. 41, *infra*.

REPORT ON ISSUANCE OF ORDER ON EMERGENCY DEFICIT CONTROL MEASURES FOR FISCAL YEAR 1986—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—H. DOC. NO. 160

Mr. [Thomas S.] FOLEY [of Washington]. Madam Speaker, I ask unanimous consent that the message of the President pursuant to section 252(a)(5) of the Public Law 99-177, together with all the related communications transmitted to the Speaker by Federal departments and establishments pursuant to OMB directive 86-7, January 16, 1986, promulgated pursuant to Public Law 99-177, be printed as one House document in such form as may be determined by the Speaker, and that the Speaker be authorized and directed to refer such message and the accompanying communications as if the communications had been submitted as part of the message.

The SPEAKER pro tempore.<sup>(3)</sup> Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. The message is referred to all standing committees established pursuant to clause 1, rule X, and to the Permanent Select Committee on Intelligence.

(For message, see proceedings of the Senate of yesterday, Monday, February 3, 1986, at p. 1397.)

**§ 3.9 The Speaker has referred a Presidential message to the Union Calendar and referred the accompanying documents to committees.**

3. Charles Rose (N.C.).

On May 23, 1977,<sup>(1)</sup> the President included in a message to the Congress several executive communications dealing with the preservation of wildlife, including proposals for the establishment of national wilderness areas and the designation of several rivers as part of the Wild and Scenic Rivers System. The several legislative proposals were included as separate legislative proposals to implement a broad national policy affecting wildlife and the environment. The policy enunciated in the message fell within the jurisdiction of several committees;<sup>(2)</sup> hence the Speaker felt the appropriate reference was to the Committee of the Whole House on the state of the Union. The implementing proposals were referred as executive communications to the Committee on Interior and Insular Affairs, which had specific jurisdiction over the law giving the President the authority to designate waters as part of the Wild and Scenic Rivers System and Federal lands as part of the National Wilderness System.

1. 123 CONG. REC. 15910, 15915, 93d Cong. 1st Sess.
2. Before the 94th Congress, the Speaker could not refer a measure to more than one committee. See *House Rules and Manual* §816 (2007).

PRESERVATION OF THE WILDERNESS, WILDLIFE, NATURAL AND HISTORICAL RESOURCES; EFFECTS OF POLLUTION, TOXIC CHEMICALS AND DAMAGE CAUSED BY DEMAND FOR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 95-160)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Union Calendar and ordered to be printed; and the accompanying papers were referred to the Committee on Interior and Insular Affairs.

*To the Congress of the United States:*

This message brings together a great variety of programs. It deals not only with ways to preserve the wilderness, wildlife, and natural and historical resources which are a beautiful and valued part of America's national heritage: it deals also with the effects of pollution, toxic chemicals, and the damage caused by the demand for energy. . . .

I am submitting new wilderness proposals for:

—Arches National Park, Utah

—Canyon Lands National Park, Utah[.] . . .

We must identify as quickly as possible the best remaining candidates for inclusion in the Wild and Scenic Rivers System before they are dammed, channelized, or damaged by unwise development along their banks. As a first step, therefore, I am proposing legislation to add segments of eight rivers, totalling 1303 miles, to the system:

—Bruneau River, Idaho;

—Pere Marquette River, Michigan[.]



***Referral of Messages Required by Law***

**§ 3.10 Consistent with section 4 of the War Powers Resolution,<sup>(1)</sup> requiring the President to submit reports to Congress when United States forces are introduced into certain hostile situations in the absence of a declaration of war, Presidents have customarily informed Congress of such a circumstance by an executive communication, which the Speaker usually refers to committee pursuant to the law but sometimes lays before the House.**

On Apr. 14, 1975,<sup>(2)</sup> Speaker Carl Albert, of Oklahoma, laid before the House a communication from President Gerald R. Ford, detailing the introduction of United States troops into Cambodia for the purpose of evacuating United States embassy personnel and others.

The message was laid before the House and referred as follows:

The SPEAKER laid before the House the following communication from the President of the United States; which was read and referred to the Com-

mittee on International Relations and ordered to be printed:

THE WHITE HOUSE,  
*Washington, April 12, 1975.*

The Honorable the SPEAKER  
*United States House of Representatives*  
*Washington, D.C. 20515*

DEAR MR. SPEAKER: As you and other members of Congress were advised, in view of circumstances in Cambodia, the United States had certain contingency plans to utilize United States Armed Forces to assure the safe evacuation of U.S. Nationals from that country. On Friday, 11 April 1975, the Khmer Communists forces had ruptured Government of the Khmer Republic (GKR) defensive lines to the north, northwest and east of Phnom Penh and were within mortar range of Pochentong Airfield and the outskirts of Phnom Penh. In view of this deteriorating military situation, and on the recommendations of the American Ambassador there, I ordered U.S. military forces to proceed with the planned evacuation out of consideration for the safety of U.S. citizens.

In accordance with my desire that the Congress be fully informed on this matter, and taking note of Section 4 of the War Powers Resolution (P.L. 93-148), I wish to report to you that the first elements of the U.S. forces entered Cambodian airspace at 8:34 p.m. EDT on 11 April. . . .

Sincerely,

GERALD R. FORD.

In recent years the Speaker has referred a President's communication regarding the War Powers

1. Public Law 93-148 (50 USC §§ 1541 *et seq.*).
2. 121 CONG. REC. 10065, 94th Cong. 1st Sess.

Resolution and ordered it printed without laying it before the House.<sup>(3)</sup>

**§ 3.11 A communication from the President, who was out of the country, in the form of a telegram (neither signed nor delivered by messenger from the White House) transmitting a report on the introduction of United States forces in a situation covered by the War Powers Resolution, was referred as an executive communication but not read to the House or printed as a House document.**

On Apr. 7, 1975,<sup>(1)</sup> the following referral was made:

Under clause 2 of rule XXIV [now XIV], executive communications were taken from the Speaker's table and referred as follows: . . .

676. A letter from the President of the United States, transmitting a report on participation of U.S. naval vessels in the evacuation of refugees in South Vietnam, pursuant to section 4(a) of the War Powers Resolution (Public Law 93-148); to the Committee on International Relations.

3. See, *e.g.*, 137 CONG. REC. 1909, 102d Cong. 1st Sess., Jan. 18, 1991 (H. Doc. No. 102-30); 149 CONG. REC. 23224, 108th Cong. 1st Sess., Sept. 24, 2003 (H. Doc. No. 108-129).
1. 121 CONG. REC. 9191, 94th Cong. 1st Sess.

### ***Referral to Select Committee***

**§ 3.12 The House may refer a Presidential message to an ad hoc select committee created to consider the message, as well as subsequent communications and bills on that subject.**

The Speaker usually refers a Presidential message, delivered orally or in writing, to the Union Calendar or to an existing committee. But because of the comprehensive nature of the President's proposed National Energy Policy submitted in the 95th Congress, and to avoid giving jurisdictional primacy to any one standing committee, the Speaker did not refer the message on the evening of its delivery, but allowed the House to act, by resolution, the following day. The House then created a select committee of broad jurisdiction specifically to consider and report the energy message, as well as future communications and bills on the subjects addressed therein. The ad hoc select committee was authorized to receive and consider reports of other standing committees on the subject matter of the message.<sup>(1)</sup>

1. The Ad Hoc Committee on Energy reported H.R. 8444, the National Energy Act, on July 27, 1977. 123

On Apr. 20, 1977,<sup>(2)</sup> a joint session was convened to receive a message from the President in person:

JOINT SESSION OF THE HOUSE  
AND SENATE HELD PURSUANT  
TO THE PROVISIONS OF  
HOUSE CONCURRENT RESO-  
LUTION 196 TO HEAR AN AD-  
DRESS BY THE PRESIDENT OF  
THE UNITED STATES

The SPEAKER of the House pre-  
sided. . . .

THE SPEAKER.<sup>(3)</sup> Members of the  
Congress, I have the high privilege and  
the distinct honor of presenting to you  
the President of the United  
States. . . .

ADDRESS BY THE PRESIDENT  
OF THE UNITED STATES

The PRESIDENT. Mr. President,  
Mr. Speaker, Members of the Con-  
gress, and distinguished guests:

The last time we met as a group was  
exactly three months ago today, on In-  
auguration Day. We've had a good be-  
ginning as partners in addressing our  
nation's problems.

But in the months ahead, we must  
work together even more closely to  
deal with the greatest domestic chal-  
lenge that our nation will face in our  
lifetime. We must act now—together—  
to devise and to implement a com-  
prehensive national energy plan to

CONG. REC. 25311, 95th Cong. 1st  
Sess. (H. Rept. No. 95-543).

2. 123 CONG. REC. 11480-83, 95th  
Cong. 1st Sess.
3. Thomas P. O'Neill, Jr. (Mass.).

cope with a crisis that otherwise could  
overwhelm us. . . .

. . . [I] am confident that together  
we will succeed. Thank you very much.

At 9 o'clock and 34 minutes p.m., the  
President, accompanied by the com-  
mittee of escort, retired from the Hall  
of the House of Representatives. . . .

ADJOURNMENT

Mr. [Durwood] Hall [of Missouri].  
Mr. Speaker, I move that the House do  
now adjourn.

The motion was agreed to; accord-  
ingly (at 9 o'clock and 42 minutes p.m.)  
the House adjourned until tomorrow,  
Thursday, April 21, 1977, at 11 o'clock  
a.m.

The next day, on Apr. 21,  
1977,<sup>(4)</sup> the following proceedings  
occurred in the House:

AD HOC COMMITTEE ON  
ENERGY

Mr. [James C.] WRIGHT [Jr., of  
Texas]. Mr. Speaker, pursuant to  
clause 5 of rule X [now clause 2 of Rule  
XII], I offer a privileged resolution and  
ask for its immediate consideration.

The Clerk read the resolution, as fol-  
lows:

H. RES. 508

*Resolved*, (a) That pursuant to rule  
X, clause 5, the Speaker is author-  
ized to establish an Ad Hoc Com-  
mittee on Energy to consider and re-  
port to the House on the message of  
the President dated April 20, 1977  
(H. Doc. 95-128), on other messages

4. 123 CONG. REC. 11550-56, 95th  
Cong. 1st Sess.

or communications related thereto, and on any bill or resolution which the Speaker may sequentially refer thereto which the Speaker determines relates to the substance of the President's message: *Provided, however*, That this paragraph shall not preclude initial reference to the ad hoc committee of a bill or resolution incorporating the recommendations of the committees with subject-matter jurisdiction over the substance of the President's message.

(b) The ad hoc committee shall be composed of thirty-seven Members of the House appointed by the Speaker from those committees of the House which he determines have subject-matter jurisdiction over the substance of the President's message, and from such other committees as the Speaker may determine so as to insure the expeditious consideration and reporting of appropriate legislation. The Speaker shall designate one of the Members as chairman. . . .

THE SPEAKER. The Chair recognizes the gentleman from Texas (Mr. Wright).

Mr. WRIGHT. Mr. Speaker, I yield myself such time as I may consume. This resolution authorizes the Speaker to appoint an ad hoc committee to receive the messages and the recommendations of the President of the United States with respect to the energy problems of this country.

The precedent is clear. Essential parts of this resolution follow precisely the language that was utilized in House Resolution 97 creating the Ad Hoc Select Committee on the Outer Continental Shelf which was agreed to on January 11 of this year.

The purpose of the ad hoc energy committee would be to draw together an interdisciplinary group from various

committees of regular jurisdiction in order to provide one general comprehensive overview. This device should facilitate an opportunity, heretofore lacking, for the House to work its will in achieving a comprehensive energy policy. It is not anticipated that the creation of this ad hoc committee would render any less effective any of those standing committees of the House which now possess jurisdiction over various facets of the energy problem.

It is anticipated that upon receipt from the President of specific legislative recommendations to carry out his energy plan, this ad hoc committee to be appointed by the Speaker might hold hearings and might make recommendations, but that the several components of the recommended legislation would be referred to the standing committees of the House according to their respective jurisdictions under the Rules of the House. Those committees then would be charged by the Speaker with the responsibility of holding hearings, considering the legislation, marking up sections of a bill, and returning those respective sections to the ad hoc committee. . . .

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### ***Amendment of Motion to Refer***

**§ 3.13 An amendment to a motion to refer a message of the President to a committee is in order when the motion for**

**the previous question is rejected or when the Member offering the original motion yields for an amendment.**

On June 3, 1937,<sup>(1)</sup> Speaker William B. Bankhead, of Alabama, laid before the House a message from President Franklin D. Roosevelt. Following the reading, Mr. William M. Whittington, of Mississippi, moved that the message be referred to the Committee on Flood Control and ordered printed. Mr. Joseph J. Mansfield, of Texas, rose to propound a parliamentary inquiry. Mr. Whittington yielded in order that the Chair might entertain the inquiry, and the following proceedings ensued:

The SPEAKER. The gentleman from Texas propounds a parliamentary inquiry to the Chair as to whether the gentleman would be entitled to offer as a substitute for the motion made by the gentleman from Mississippi a motion to refer the President's message to the Committee on Rivers and Harbors.

The Chair, anticipating that this question might arise, has looked rather fully into the precedents in reference thereto and finds that on April 4, 1933, when Mr. Rainey was Speaker of the House, this identical proposition was presented.

At that time it will be recalled that a bill was pending with reference to the refinancing of farm-mortgage in-

debtedness. Two committees claimed jurisdiction of the subject matter of that bill, the committee on Banking and Currency and the Committee on Agriculture.

When the President's message was read the chairman of the committee on Agriculture, the gentleman from Texas [Mr. JONES], moved that the President's message be referred to the Committee on Agriculture. Thereupon the specific inquiry now propounded by the gentleman from Texas [Mr. MANSFIELD] was made.

The Chair reads the query and the answer of the Speaker:

MR. STEAGALL. Mr. Speaker, I desire at the proper time to submit a substitute motion that the message be referred to the Committee on Banking and Currency.

Mr. JONES said:

Mr. Speaker, I do not yield for that purpose.

The Speaker stated:

The gentleman from Texas does not yield. It is necessary to vote down the previous question before that motion will be in order.

The gentleman from Mississippi [Mr. WHITTINGTON] is entitled to 1 hour, and the Chair understands he has perfected an arrangement with the gentleman from Texas [MR. MANSFIELD] by which he will yield to the gentleman from Texas one-half of that time. At the conclusion of the debate of 1 hour the Chair assumes the gentleman from Mississippi will move the previous question on the motion referring the message to the Committee on Flood Control. If the previous question should be voted down, then the gentleman from Texas [Mr. MANSFIELD] would have the right and privilege of

1. CONG. REC. 5296-307, 75th Cong. 1st Sess.

offering an amendment to the motion to refer the message. . . .

Mr. [James M.] FITZPATRICK [of New York]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FITZPATRICK. Assuming the previous question is ordered we will then vote on whether the message shall or shall not be referred to the Committee on Flood Control?

The SPEAKER. If the previous question is ordered, the next vote will be on the motion to refer it to the Committee on Flood Control. If the previous question is not ordered, then it leaves to the determination of the House what course shall be taken with reference to the President's message.

The question was taken; and on a division (demanded by Mr. WHITTINGTON) there were—ayes 61, noes 166.

So the motion for the previous question was rejected.

Mr. MANSFIELD. Mr. Speaker, I now move that the message of the President be referred to the Committee on Rivers and Harbors, and on that motion I move the previous question.

Mr. Whittington then raised another parliamentary inquiry:

Mr. WHITTINGTON. Mr. Speaker, there is now pending the motion I made that the message of the President be referred to the Committee on Flood Control. It occurs to me the motion made by the gentleman from Texas [Mr. MANSFIELD] is improper, and that the proper motion would be to amend my motion, if the gentleman desires that the message be referred to

his committee. My point is there is a motion pending and an independent motion would not be in order.

The SPEAKER. The Chair, upon reconsideration, is of the opinion the proper procedure would be for the gentleman from Texas to offer an amendment to the pending motion, to the effect that the message of the President be referred to the Committee on Rivers and Harbors.

Mr. MANSFIELD. Mr. Speaker, I make that motion at this time.

The SPEAKER. The gentleman from Texas offers an amendment to the motion, which the Clerk will report.

The Clerk read as follows:

Mr. MANSFIELD moves, as an amendment to the motion made by the gentleman from Mississippi [Mr. WHITTINGTON], to refer the President's message to the Committee on Rivers and Harbors.

Mr. WHITTINGTON. Mr. Speaker, in view of the action of the House, I beg to say that that amendment is agreeable to me; and for the sake of the RECORD, I should like to have permission to withdraw the motion I made, and I ask unanimous consent so to do, in order that the gentleman may present his motion.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to withdraw his motion. Is there objection?

There was no objection.

The SPEAKER. The Chair will now recognize the gentleman from Texas to move that the President's message be referred to the Committee on Rivers and Harbors.

### *Change of Referral*

#### **§ 3.14 In one instance, the Speaker on his own initiative**

**changed the referral of a Presidential message on the day received.**

On Jan. 27, 1958,<sup>(1)</sup> Speaker Sam Rayburn, of Texas, announced that he was going to change the referral of a Presidential message received and referred earlier that day:

The SPEAKER. After further examination of the President's message and the recommendations made therein, the Chair believes that the proper committee to which to refer the President's message is the Committee on Education and Labor instead of the Committee on Interstate and Foreign Commerce, because on the Science Foundation no new law is suggested, simply more appropriations. The other part of the President's message deals with [legislation on] education. Therefore the Chair is going to change the reference of the President's message and whatever bills are introduced on that subject, to the Committee on Education and Labor.

**§ 3.15 The House may change the Speaker's referral of a Presidential message by unanimous consent.**

On July 18, 1919,<sup>(1)</sup> a message was received from the President of the United States, and being read, was referred by Speaker Frederick

1. 104 CONG. REC. 1112, 85th Cong. 2d Sess.

1. 58 CONG. REC. 2852-54, 66th Cong. 1st Sess.

H. Gillett, of Massachusetts, to the Committee on Military Affairs. Later that day, upon agreeing to a unanimous-consent request made by the Speaker, the House re-referred a portion of the message to the Committee on Naval Affairs.

***Referral by Designated Speaker Pro Tempore***

**§ 3.16 When a designated Speaker pro tempore was presiding, a Presidential message was referred to committee and ordered printed only by unanimous consent.**

The proceedings of Jan. 24, 1968,<sup>(1)</sup> provide an exemplar of this earlier practice. On that day, Speaker John W. McCormack, of Massachusetts, laid before the House the following message from the President of the United States, which was read:

*To the Congress of the United States:*

In each of the past three years I have sent to the Congress a special message dealing with Civil Rights. This year I do so again, with feelings of both disappointment and pride[.] . . .

I ask the Congress to take another forward step this year—by adopting this legislation fundamental to the

1. 114 CONG. REC. 818-821, 90th Cong. 2d Sess.

human rights and dignity of every American.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *January 24, 1968.*

Upon conclusion of the reading, and with a designated (that is, nonelected) Speaker pro tempore<sup>(2)</sup> in the chair, the message was, by unanimous consent, referred by the Speaker pro tempore to the Committee of the Whole House on the state of the Union and ordered to be printed.<sup>(3)</sup>

In the modern practice, and as a reflection of the nature of the transaction, designated Speakers pro tempore have exercised independently the responsibility of the Speaker for referrals in the and other areas that arise periodically but unpredictably during the business of the House.

***Referral of Presidential Message as Related to Unfinished Business***

**§ 3.17 Messages from the President may be read and referred before the House proceeds with unfinished business.**

On Oct. 19, 1966,<sup>(1)</sup> Speaker John W. McCormack, of Massa-

2. Carl Albert (Okla.).

3. See also, *e.g.*, 149 CONG. REC. 25070, 108th Cong. 1st Sess., Oct. 17, 2003.

1. 112 CONG. REC. 27640, 89th Cong. 2d Sess.

chusetts, laid before the House messages from the President which had been received on the previous day. They were read and referred to the appropriate committee before the consideration of unfinished business from the previous day.

The SPEAKER laid before the House the following message from the President of the United States . . . which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

*To the Congress of the United States:*

I am transmitting the third Annual Report on Special International Exhibitions for the fiscal year 1965 pursuant to section 108(b) of the Mutual Educational and Cultural Exchange Act of 1961—Public Law 87-256. . . .

LYNDON B. JOHNSON.

Enclosures:

1. Letter of transmittal.
2. Report.

THE WHITE HOUSE, *October 18, 1966.*

SEMIANNUAL REPORT ON THE  
NATION'S SPACE PROGRAM—  
MESSAGE FROM THE PRESIDENT OF THE UNITED STATES  
(H. DOC. NO. 526)

The SPEAKER laid before the House the following message from the President of the United States which was read and, together with the accompanying papers, referred to the Committee on Science and Astronautics and ordered printed, with illustrations.

*To the Congress of the United States:*



This is a report of a period—July 1 through December 31, 1965—characterized by outstanding progress in the Nation's space program. . . .

LYNDON B. JOHNSON.  
THE WHITE HOUSE, *October 19 1966.*

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ANNOUNCEMENT BY THE  
SPEAKER—DISPOSING OF  
PENDING BUSINESS

The SPEAKER. The Chair will receive unanimous-consent requests, after the disposition of pending business.

The unfinished business is the vote on agreeing to the resolution (H. Res. 1062) certifying the report of the Committee on Un-American Activities as to the failures of Jeremiah Stamler to give testimony before a duly authorized subcommittee of said committee.

The Clerk read the title of the resolution.

***Referral of Presidential Nomination of Vice President***

**§ 3.18 Under the 25th Amendment, when the President submits a nomination to fill a vacancy in the office of Vice President, he does so by written message.**

Vice President Spiro Agnew submitted his resignation to the Secretary of State on Oct. 10, 1973.<sup>(1)</sup> On Saturday, Oct. 13,

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1. Under 3 USC § 20, the resignation of a President or Vice President is submitted to the Secretary of State.

President Richard M. Nixon nominated Representative Gerald R. Ford, of Michigan, who was then the Minority Leader of the House, to fill the vacancy in that office.<sup>(2)</sup> The House met on Saturday, Oct. 13,<sup>(3)</sup> in order to receive the written message transmitting the nomination on the same day as the Senate. In the House, the Speaker referred the nomination to the standing committee with jurisdiction of matters relating to Presidential succession.

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

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NOMINATION OF VICE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-165)

The Speaker laid before the House the following message from the President of the United States; which was read and referred to the Committee on the Judiciary and ordered to be printed:

*To the Congress of the United States:*

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2. Pursuant to § 2 of the 25th Amendment to the Constitution, whenever there is a vacancy in the office of the Vice President, the President nominates a Vice President, who takes office upon confirmation by a majority vote of each House.
  3. 119 CONG. REC. 34032, 93d Cong. 1st Sess.

Pursuant to the provisions of Section 2 of the Twenty-fifth Amendment to the Constitution of the United States, I hereby nominate Gerald R. Ford, of Michigan, to be the Vice President of the United States.

RICHARD NIXON.

THE WHITE HOUSE, *October 13, 1973.*

*Parliamentarian's Note:* The 25th Amendment was ratified in 1967, and President Nixon's nomination of Gerald Ford was the first application of section 2 of that Amendment. Therefore, most of the decisions concerning the nomination and the confirmation process—the order and manner of consideration of the nomination and the ceremony following the completion of congressional action—were of first impression. Although the details of the process are carried elsewhere in this work,<sup>(4)</sup> some of those decisions of first impression are noted here for the convenience of the reader.

The Senate acted first on the nomination on Dec. 27, 1973,<sup>(5)</sup> reflecting the traditional role of that body in considering nominations and the unique position of the Vice President as President of the Senate.

To preserve the independence of the deliberative process in the two

Houses, the House was not formally notified of the Senate confirmation until House action was completed.

The House voted on the nomination by adopting a House resolution<sup>(6)</sup> which was not handled as a privileged matter<sup>(7)</sup> but was voted on in the full House after debate in the Committee of the Whole under the terms of a special order-of-business resolution reported by the Committee on Rules.<sup>(8)</sup>

The oath of office was, at the express request of the new Vice President, administered during a joint meeting in the House Chamber.<sup>(9)</sup> The form of the ceremony

4. See Ch. 10 § 4.3, *supra*, and Ch. 13 § 22.1, *supra*.

5. 119 CONG. REC. 38212, 93d Cong. 1st Sess.

6. H. Res. 738, 119 CONG. REC. 39807–900, 93d Cong. 1st Sess., Dec. 6, 1973.

7. With respect to the issue of privilege of a resolution confirming the nomination, see dictum of Speaker Gillett on May 6, 1921, that aside from questions of considering vetoed bills and impeachment charges, conferral by the Constitution upon the House of the power to take certain actions, such as declarations of war and apportionments after decennial censuses, does not make those questions privileged for immediate consideration upon demand of any Member. 6 Cannon's Precedents § 48.

8. H. Res. 738, 119 CONG. REC. 39807–900, 93d Cong. 1st Sess., Dec. 6, 1973.

9. 119 CONG. REC. 39925–27, 93d Cong. 1st Sess., Dec. 6, 1973.

itself was the mutual decision of the leadership in the two Houses and the President.

**§ 3.19 A second nomination of a Vice President pursuant to the 25th Amendment was submitted to the Congress in 1974.**

With Vice President Ford becoming President upon the resignation of President Nixon, there was again a vacancy in the office of the Vice President. On Aug. 20, 1974,<sup>(1)</sup> President Ford nominated Nelson A. Rockefeller, of New York, to be Vice President.

The procedure followed in the House with respect to that nomination was similar to that used the year before with respect to the nomination of Gerald Ford.<sup>(2)</sup> The message transmitting the nomination was received by the House on Aug. 20, 1974, and was referred by the Speaker to the Committee on the Judiciary. After hearings before that committee and the reporting by that committee to the House of a resolution confirming the nomination, with an accompanying report,<sup>(3)</sup> the House

adopted a special order-of-business resolution providing for consideration of the confirmation resolution in the Committee of the Whole.<sup>(4)</sup> Pursuant to that special order-of-business resolution, the House considered and agreed to the confirmation resolution on Dec. 19, 1974.

The Senate, acting first on the nomination (as it had in the prior case of the Ford nomination), informed the House of its confirmation of the nomination on Dec. 19, following adoption by the House of a confirmation resolution that same day.<sup>(5)</sup>

Members of the House were invited to attend the swearing-in ceremonies held in the Senate Chamber later that same day.<sup>(6)</sup>

***Classified Material***

**§ 3.20 The President sometimes transmits to Congress classified material requiring special handling and processing in referral.**

On Jan. 26, 1970,<sup>(1)</sup> a message from the President, transmitting a

1. 120 CONG. REC. 29366, 93d Cong. 2d Sess.
2. See § 3.18, *supra*.
3. H. Res. 1511, confirming Nelson A. Rockefeller as Vice President of the United States, together with the report thereon, H. Rept. No. 93-1609.

4. See 120 CONG. REC. 41419-41517, 93d Cong. 2d Sess., Dec. 19, 1974 [H. Res. 1519, providing for consideration of H. Res. 1511].
5. *Id.* at p. 41517.
6. *Id.* at pp. 41181, 41182.

1. 116 CONG. REC. 1017, 1018, 91st Cong. 2d Sess.

copy of an amendment to an agreement regarding cooperation on the uses of atomic energy for mutual defense purposes, together with an accompanying envelope marked “Secret,” were laid before the House.

*To the Congress of the United States:*

Pursuant to the Atomic Energy Act of 1954 as amended, I am submitting to the Congress an authoritative copy of an amendment to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, as amended. The Amendment was signed at Washington on October 16, 1969. . . .

I am also transmitting a copy of the Secretary of State’s letter to me accompanying authoritative copies of the signed Amendment, a copy of a joint letter from the Chairman of the Atomic Energy Commission and the Secretary of Defense recommending approval of this Amendment, and a copy of my memorandum in reply thereto, setting forth my approval.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1970.*

*Parliamentarian’s Note:* The President’s message was laid before the House and read and then referred to the Joint Committee on Atomic Energy, along with an accompanying classified envelope marked “Secret,” which was not opened or read. After processing

the message, the bill clerk delivered the message and accompanying envelope to a staff member of the joint committee, who signed a receipt therefor.<sup>(9)</sup>

In the case of a classified executive communication that is received when the House is not in session, an employee in the Office of the Clerk who has an appropriate security clearance delivers the document to the appropriate committee and the referral is noted in the *Congressional Record*.

#### § 4. Joint Sessions to Receive Presidential Messages: In General

The President, under the Constitution,<sup>(1)</sup> has the duty from time to time to give to the Congress information on the state of the Union and to recommend the consideration of such measures as he considers necessary and expedient. Such “state of the Union” messages are, in modern practice, delivered in person, but may be transmitted in writing.<sup>(2)</sup> When the President has indicated an intention to address Congress in

9. See also 108 CONG. REC. 9524, 87th Cong. 2d Sess., May 31, 1962.

1. U.S. Const. art. II, § 3.

2. See § 3.3, *supra*.